

REMARKS

Claims 8-12, 18 and 19 remain pending. Reconsideration of the patent application is respectfully requested.

Claims 8, 9 and 19 were again rejected under 35USC102(e) as anticipated by Voelker (USPN 6,248,091). The Examiner asserts that Voelker teaches a balloon catheter for dilating a stenosed valve at col 1, lines 34-40. Applicants respectfully traverse. The passage referred to by the Examiner describes the positioning of a **pump** (not a balloon) in the opening of a cardiac valve. Moreover, this part of the description in fact describes the device of USPN 4,969,865 which is wholly devoid of a balloon. With regard to the passage at col 2, lines 6-10, additionally cited by the Examiner as suggesting the use of a balloon adapted for breaking up a stenosed valve, it should be noted that this passage merely describes expanding obstructions in **vessels**. It respectfully submitted that a balloon configured for expanding obstructions in a vessel cannot fairly be characterized as a balloon configured for breaking up a stenosis of a cardiac valve.

Notwithstanding the absence of any suggestion of combining a pump with a balloon configured for breaking up a stenosis of a cardiac valve, it is to be noted that the rejected claim specifically calls for the dilating device to **surround** the pump. This is a clear departure from the configuration shown in the cited reference as the balloon element shown therein is longitudinally offset relative to the pump portion. Anticipation is therefore clearly avoided.

Additional limitations have been added to further distance the claimed invention from the cited art. More particularly, the claims now call for the pump to have a distal axial inlet and a proximal radial outlet. This is clearly distinguishable from Voelker in which a pump configuration having a proximal radial inlet and a distal axial outlet is described.

With regard to the rejection of claim 19, the Examiner's attention is respectfully drawn to the specification at page 5, line 4 wherein the "drive portion" is defined as

including a drive shaft **and** an electric motor. It is respectfully submitted that while a portion of Voelker's drive shaft 23 is necessarily implantable, the reference unequivocally teaches away from the use of a wholly implantable drive portion with the specification of an **external** electric motor (col 3, line 25).

In view of the fact that the cited reference is not concerned with overcoming the problems associated with the dilatation of a of a stenosed heart valve while continuing to pump blood therethrough, it is respectfully submitted that solutions to such problems, let alone the specific solution claimed herein, cannot reasonably be considered obvious thereover.

Claims 10, 11, 12 and 18 were rejected under 35USC103(a) as obvious over Voelker in view of Carr (USPN 4,808165). In view of the non-obviousness of underlying claim 8 as was argued above, it is respectfully submitted that any claim depending therefrom must similarly avoid obviousness.

In light of the above amendments and remarks, applicants earnestly believe the application to be in condition for allowance and respectfully request that it be passed to issue.

Respectfully submitted,

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